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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,649	09/19/2003	Dick T. Van Manen	01-1333-C	6076

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EXAMINER

ORTIZ, ANGELA Y

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/665,649

Applicant(s)

VAN MANEN, DICK T.

Examiner

Angela Ortiz

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Election/Restrictions***

The restriction requirement of June 15, 2005 was in error and is hereby withdrawn with the mailing of this office action, and an action on the merits for claims 1-12 has been provided (see below).

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to **Art Unit 1732**.

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the title be limited to the claimed invention.

### ***Claim Objections***

Claim 4 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In claim 4, the additional limitation appears to be a combination of claim 1 steps (c) and (d); although the term

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'thermoplastic-insert sandwich' is different, the manipulative steps to get the sandwich appear to be already claimed in claim 1.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, step (d), the term "thermoplastic sandwich" does not have proper antecedent basis.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Chin et al., USP 4,917,747.

The cited reference teaches the claimed method including providing two same sheeting layers (24, 26), inserting a rigid insert (12, 14) between the sheeting layers and closing molds (28, 30) to form a panel. See col. 5, line 35 to col. 6, line 40.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanborn, USP 5,076,870 in view of Chin et al., USP 4,917,747.

The cited primary reference substantially teaches the basic claimed process of molding a composite carpet panel including providing a sheet delivery system for providing different sheet layers 22 and 24, and providing an extruder 36 for delivering an insert layer 26. Sheet layers 22 and 26 are skin layer around insert layer 26, and are pressed together to form a sandwiched composite panel assembly. Rollers 40, 42 are heated and read on the claimed calendaring rollers, see col. 4, lines 5-25. The covering material includes a polypropylene and fibrous material mixture, see col. 3, lines 55-68; col. 4, lines 1-35.

The cited primary reference does not teach the use of mold halves as claimed.

The added secondary reference teaches as conventional the feature of providing two sheeting layers (24, 26), inserting a rigid insert (12, 14) between the sheeting layers and providing two mold halves of a compression mold and closing the molds (28, 30) to form a panel. Such a mold allows for precise shaping of the composite panel. See col. 5, line 35 to col. 6, line 40.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a compression mold when molding the panel set forth in the primary reference, in view of the secondary reference, for pressing the assembly into a panel under pressure and precisely shaping the panel.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chin et al., USP 4,917,747 in view of Svensson et al., USP 4,961,810.

The cited primary reference teaches the claimed method including providing two same sheeting layers (24, 26), inserting a rigid insert (12, 14) between the sheeting layers and closing molds (28, 30) to form a panel. See col. 5, line 35 to col. 6, line 40.

The cited primary reference does not teach a vertical supply system.

The cited secondary reference teaches the basic claimed process of providing a vertical sheet delivery system comprising the steps of providing two sheeting layers (18), inserting a rigid insert (10) between the sheeting layers and providing a mold apparatus including two compression halves pressing the assembly of the sheeting layers and the insert to form a laminated panel assembly. The vertical assembly provides simple material advance with the aid of gravity. See col. 2, lines 30-60; col. 3, lines 1-20, 30-50.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a vertical supply system as shown in the added reference, when performing the process set forth in the primary reference, for advancing the material supply using the aid of gravity.

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USP's 3249659; 4315050; 4732770; 5114524; 5160770; 5240530; 5665295; 5914353; 6066217.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela Ortiz whose telephone number is 571-272-1206. The examiner can normally be reached on Monday-Thursday 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Angela Ortiz  
Primary Examiner  
Art Unit 1732